

DEDRIC MARSHALL,
KENDRIC MARSHALL, and
DAVID JACKSON,

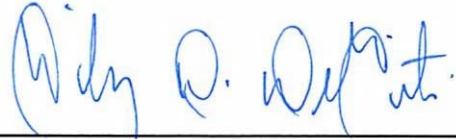
Case No. CIV-19-642-D

ORDER

Before the Court is a Motion to Dismiss filed by Defendants Evans & Associates Utility Services, Inc., and Evans & Associates Enterprises, Inc. (collectively, the “Defendants”). Doc. No. 8. The Motion challenges the sufficiency of Dedric Marshall’s, Kendric Marshall’s, and David Jackson’s (collectively, the “Plaintiffs”) original pleading [Doc. No. 1]. In response to the Motion, Plaintiffs have timely filed an amended pleading pursuant to Fed. R. Civ. P. 15(a)(1)(B). This amendment “supersedes the original and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendants’ Motion is moot.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss [Doc. No. 8] is **DENIED** without prejudice to resubmission, if appropriate, in response to Plaintiffs' First Amended Complaint [Doc. No. 11].

IT IS SO ORDERED this 5th day of September 2019.



TIMOTHY D. DeGIUSTI
Chief United States District Judge